

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HEATHER L. NEWTON,

No. C-11-3228 EMC

Plaintiff,

v.

AMERICAN DEBT SERVICES, INC., *et al.*,

Defendants.

**ORDER DENYING MOTION FOR
RELIEF FROM NONDISPOSITIVE
ORDER OF MAGISTRATE JUDGE AND
ORDER OF REFERENCE TO CHIEF
MAGISTRATE JUDGE SPERO FOR
POSSIBLE IMPOSITION OF
SANCTIONS**

(Docket No. 291)

On March 17, 2015, the parties litigated a discovery dispute before Chief Magistrate Judge Spero. *See* Docket Nos. 283-84 and 291-1 (Hearing Transcript). At the hearing, Judge Spero expressly concluded that the subpoena and document requests served by Defendants on Plaintiff's counsel amounted to "harassment," and further noted he had "never seen anything like it" in his many years on the bench.¹ Hearing Tr. at 4:25, 9:6-7. Judge Spero consequently quashed the subpoena. *See* Docket No. 284.

On March 31, 2015, Defendants filed an objection to Judge Spero's discovery order. Docket No. 291. The Court has reviewed the objection and finds it meritless. Notably, Defendants' objection fails to cite even a single case that has enforced the type of plainly overbroad subpoena

¹ The subpoena in this case called for Plaintiff's counsel to sit for depositions to inquire into their alleged (in)adequacy to serve as class counsel in this putative class case, and also called for a large document production, including "all documents pertaining to each class action lawsuit in which you have served as class counsel," and "all operative pleadings from each lawsuit that you have taken through to a jury or non-jury trial." *See* Docket No. 281.


1 served here. The Court therefore affirms Judge Spero's well reasoned decision to quash the relevant
2 subpoena.

3 The Court further refers this matter back to Judge Spero to determine the appropriate
4 sanction for Defendants' conduct, if any. The Court notes that this is not the first time Defendants in
5 this case have sought to improperly re-litigate meritless issues, *see Newton v. American Debt Servs.*,
6 -- F. Supp. 3d --, 2014 WL 7183930, at *12 n.16 (N.D. Cal. 2014), and notes with concern that
7 Defendants failed to comply with Judge Spero's standing orders in litigating this discovery dispute.

8 This order disposes of Docket No. 291.

9 IT IS SO ORDERED.

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11 Dated: April 15, 2015

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14 EDWARD M. CHEN
15 United States District Judge
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